IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No. 09/583,200

Filed:

May 30, 2000

For:

HLA Class I A2 Tumor Associated

Antigen Peptides and Vaccine

Compositions

Confirmation No. 1443

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0150002/HCC/PAC

First Supplemental Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language documents, Documents AM1, AP1, and AN2 cited on form PTO 1449:

Document AM1, Patent No. EP 0 226 513 is in the French language. It is believed that AM1 discloses HIV peptide derivatives. An English language abstract of document AM1 is attached as Document AS25;

Document AP1, Patent No. WO 92/21033 is in the German language. It is believed that AP1 discloses peptides which bind MHC class I and class II molecules. An English language abstract of document AP1 is located on page one of the document and another English language abstract is attached as Document AT25;

Document AN2, Patent No. WO 94/11738 is in the German language. It is believed that AN2 discloses peptides which bind MHC class I and class II molecules. An English

language abstract of document AN2 is located on page one of the document and another English language abstract is attached as Document AR26.

The Examiner is referred to the following list of related, co-pending patent applications:

- U.S. Patent Application No. 08/205,713, filed March 4, 1994, inventor Grey, submitted herewith as Document AR29;
- U.S. Patent Application No. 08/344,824, filed November 23, 1994, inventors Sette *et al.*, submitted herewith as Document AS29;
- U.S. Patent Application No. 08/347,610, filed December 1,1994, inventors Kubo *et al.*, submitted herewith as Document AT29;
- U.S. Patent Application No. 08/452,843, filed March 30, 1995, inventors Sette *et al.*, submitted herewith as Document AR30;
- U.S. Patent Application No. 09/017,524, filed February 3, 1998, inventors Kubo *et al.*, submitted herewith as Document AS30.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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FIKES et al. Appl. No. 09/583,200

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Melenellauln

Helene C. Carlson

Agent for Applicants Registration No. 47,473

Date: $\frac{2/19/03}{}$

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Suite 600

Washington, D.C. 20005-3934

(202) 371-2600

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	AA1	5,20	0,320	04/06/1993	Sette et al.				12/07/1987
-	AB1	5,50	3,829	04/02/1996	Ladant et al.				11/07/1994
	AC1	5,58	5,461	12/17/1996	Townsend et al.				03/24/1994
	AD1	5,66	2,907	09/02/1997	Kubo et al.				01/25/1994
	AE1	6,03	4,214	03/07/2000	Boon et al.				12/13/1994
	AF1	6,07	7,519	06/20/2000	Storkus et al.				01/15/1997
	AG1	2002	/0168374 A1	11/14/2002	Kubo et al.				03/20/1997
	AH1	2002	/0177694 A1	11/28/2002	Sette et al.				02/03/1998
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	AM1	EP 0	226 513 A1	06/24/1987	Europe				Yes X No
	AN1	WO 9	2/02543 A1	02/20/1992	02/20/1992 WIPO				Yes No
	A01	WO 9	2/12996 A2	08/06/1992	WIPO				Yes
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APPLICANT FIRST SUPPLEMENTAL INFORMATION DISCLOSURE

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APPLICATION NO. ATTY. DOCKET NO. 2060.0150002/HCC/PAC 09/583,200 FORM PTO-1449 APPLICANT Fikes et al. FIRST SUPPLEMENTAL INFORMATION DISCLOSURE GROUP FILING DATE STATEMENT May 30, 2000 1644 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE NAME CLASS SUB-FILING DATE NUMBER CLASS AA AΒ AC AD ΑE AF AG AΗ ΑI ΑJ ΑK FOREIGN PATENT DOCUMENTS EXAMINER DOCUMENT TRANSLATION INITIAL DATE COUNTRY CLASS SUB-NUMBER CLASS AI. No Yes AΜ No Yes ΑN No Yes ΑO No Yes AΡ No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Dialog File 351, Accession No. 9888606, Derwent WPI English language abstract for AR <u> 26</u> WO 94/11738. Boel, P., et al., "BAGE: a New Gene Encoding an Antigen Recognized on Human AS Melanomas by Cytolytic T Lymphocytes," Immunity 2:167-175, Cell Press (February 1995) Boon, T., "Tumor Antigens Recognized by Cytolytic T Lymphocytes: Present Perspectives for Specific Immunotherapy," Intl. J. Cancer 54:177-180, Wiley-Liss, ΑТ 26 Inc. (May 1993) EXAMINER DATE CONSIDERED **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. line through citation if not in conformance and not considered. Include copy of this form with next

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